App F IX 4

Previous References
M&I 1-41--41,42

1944-45 (del) MH

File No: III-41
Serial Nos 133

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos one

Part B for June 45

SUBJECT

Proposal to shift the business of measurement of grain from the old Sanitherpet to the New Sanitherpet, Mysore

To the President C.M.C. Mysore
L 6499 dated 2/1/43

Deletes the word "and to restore status quo"

MH
5/7

5078
L

Serial No

From the DOC, Dist ML Cl, Mysore
Do No GF 2081 -- Dt 17-4-41 -
submits for the information of Govt
his proposals to shift the measurements
of the Grain from the old Santhepet to the New
Santhepet etc,
1) It is stated that, for the reasons stated,
it is proposed to shift the measurements
of the Grain to the new Santhepet in
the first instance. A notice is
also proposed to be issued prohibiting the
Lorries & Carts laden with Grains entering
the Old Santhepet area
2) The DOC requests to issue necessary
orders to the Dy Comm Bang Mysore Dt
to instruct the Dy Supdt of Police to
cooperate with the ML authorities in
this behalf
3) Submitted with 2 drafts for approval
28/4 4) It is indeed very difficult
to know why instructions of Govt
have been sought for in this matter
The proposal means the enforcement
of a bylaw under which the
President has full powers to
take action in this behalf
The local Mkts would extend
cooperation - if required by the Govt

vide page 194 of the Mysore City Mkts Bye laws

NOTE—Con n Sheet

Drafting of Rd Lawthepet 5078 Party
— Myanmei Party

General and Revenue Secretariat

File No of 194

Serial No

with the Municipal staff to see that the bylaws enforced Mr Resident may therefore address the Revenue officers direct. In his view, it is only that non-instructions from Govt are necessary for Residents

Law 28/4/41 5) The letter may now, the attention of the President has been drawn to the provisions in the rules and bylaws. by the additional para in the end

Law Secy) 28/4 7/5 28/4

6) This is a matter over which the President can act No approval of Government is necessary the President may be informed accordingly

II Member) Hm 2 29/4/41

OFFICE OF THE SECOND MEMBER OF COUNCIL. 30 APR 1941 No. A940

1/5

Hm 1/5/41

Submitted with a draft letter for approval

1/6 2/5 Hm

Issued Hm 6-5

TYPING SEC 5 MAY 1941 GEN & R SECTT

OOL dep 1478/40

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

To The Pol, Officer Cl, Mysore
No L7882 Dy 6-5-41
States that he is competent to take such action as is deemed necessary & that orders of Govt are not necessary

Dep

NOTE—Contn Shee

File No of 194

General and Revenue Secretariat

Serial No

VENDRA RAO, Esq., M A., (Hons.)
PRESIDENT.

CITY MUNICIPAL COUNCIL
MYSORE

17th April 1941.

Dear Sir,

Subject:- Re Shifting of Old Santepet

In sending herewith a copy of my D.O letter No.G T.2044 of the 9th instant, addressed to the Private Secretary to the Dewan, with reference to a petition -- addressed to the Dewan by some of the Merchants of the - Mysore Santhepet regarding the delay in the matter of the shifting of the Old Santhepet to the New premises, I wish to state that the enclosed letter explains the position - in detail

Although the main building in the New Santhepet, was constructed over a year ago, the Merchants in the Old Santhepet, especially those who have big Godowns have been raising all sorts of objections for the shifting of their business to the New Santhepet and one of their strong -- points was all through the absence of Godowns To meet - this objection lands have recently been acquired from the Railway Department and handed over to these for the construction of Godowns behind their new buildings As already - stated, the enclosed communication explains in brief the - history of the case I have had also several discussions with the Merchants and with the President and Members of - the Merchants' Association, and after detailed personal - inspection and persuasions most of the Merchants have since agreed for the immediate shifting of the measurements of - the grain to the New Santhepet As this measure has the - approval of a large number of Merchants, it is perhaps -- better that as a first instalment of the shifting of the - Old Santhepet, the measurement of grain is shifted forthwith into the New Santhepet Some of the leading Merchants assure me that the removal of the measurements to the New Santhepet would very quickly be followed by the shifting

(Next page please)

of the mandy business by the Merchants themselves as they would otherwise have to maintain two sets of establishments for the two places

In order to shift the business of the measurements of grain to New Santhepet and prevent its being done in Old Santhepet, all country carts and lorries bringing grain into the City will have to be diverted to the new area and I am accordingly sending herewith for the information of Government a draft of the Notification which I propose to issue in this connection

I also request that as the shifting especially in the initial stages may be attended with some trouble, the Deputy Commissioner, Mysore District, may kindly be requested to instruct the District Superintendent of -- Police to assist the Municipal authorities in this matter and to unostentatiously but firmly insist upon all measurements of grain (wholesale business) being made in New Santepet only and to this end prevent carts and lorries laden -- with grain for measurements entering Old Santhepet and to divert them all to New Santhepet

The favour of early instructions is solicited

Yours sincerely,

B Raghavendra Rao

H V Narayana Rao, Esq , B A , LL B ,
Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department,
Bangalore

No. S TI 2044
9-4-1941

Dear Mr. Da Conto,

With reference to your D.O. letter No.6313 dated 4th April 1941, forwarding for disposal a petition from some Merchants of the New Santhepet, Mysore, in the matter of shifting the Old Santhepet to the New premises, I write to state as follows:-

2. With a view to prevent heavy traffic in old Santhepet and thereby to divert the trade from old Santhepet to New Santhepet, action was taken by my predecessor as per Notification under Bye-law No.1 of the Bye-laws for the Regulation of Traffic (Page 194 of the Mysore City Municipal Rules and Bye-laws) prohibiting motor buses and lorries plying for hire in the City from using inter alia, the Santhepet Road from the Devaraja Market Square to its junction with the Chamaraja Road. As this restricted the trade in old Santhepet to a considerable extent, the President of the Merchants' Association requested, in his letter No.47 dated 3rd May 1940, permission for hired lorries to use the said road for some time till the trade was diverted to the new Santhepet. President, some of the Merchants represented to the Dewan, that the present accommodation was found insufficient and that it would not be possible for them to shift themselves to the New Santhepet once for all, unless additional land behind their respective shops for constructing go downs was given. I understand that consequent on these events, the then President modified this order and exempted motor lorries plying for hire from the operation of the above Notification in so far as the old Santhepet Road was concerned, temporarily, until further orders, and action was also taken to provide the New Santhepet shops with

[illegible] land required for the construction of godowns have since been acquired from the Rail way Department and allotments have also been made in 36 cases. There are still some cases where allotments are to be made. But even the persons to whom the lands have been given have not begun the construction of the godowns and pressure is being put on them

4. In the meanwhile I took charge and had several discussions with the President and Secretary of the Association and with several merchants re: shifting the Santhepet at once. There was considerable opposition to the shifting wholesale There were one or two that objected even to the shifting of the measurements to the new Santhepet but their objections I am afraid cannot be heeded.

5. I personally inspected the old Santhepet shops, along with the Municipal Engineer and the Health Officer. I may state in this connection that some of the godowns of the old Santhepet are very large and the new Santhepet structures as they are, cannot accommodate the goods stored in old Santhepet godowns It will take at least one or two years before separate godowns to meet their requirements could be constructed in New Santhepet In order however, to remove congestion and insanitation in old Santhepet and to 'Zone' the grain business of the City in a suitable place away from the converted residential area, the Merchants were however agreeable after great persuasion to shift the measurements to New Santhepet. This I think for the reasons noted below, is a suitable compromise.

6. I beg to submit that once the measurements of grain are not allowed to be made in old Santhepet, all country carts and lorries bringing grain into the City will be diverted and the present nuisance of measurements and stocking of loose grain in Santhepet will cease. We will however have to allow into old Santhepet till such time as godowns are built in Santhepet grains packed and ready for storage into godowns.

PRESIDENT
CITY MUNICIPAL COUNCIL
MYSORE
17/4/41

7. Some of the important merchants assure me that the removal of the measurements to the New Market would very quickly be followed by the shifting of the mandy business by the merchants themselves as they would otherwise have to keep separate clerks peons etc., in both these places. In this connection I wish to state that some of the merchants represented that for those who do only daily business one open stall for measurements is necessary I shall take up this question with the Railway Department and the Municipal Council as such a market will be subject to daily fees which the Municipality will collect and the construction would therefore have to be put up by the Municipality.

8. In conclusion I beg therefore to suggest that permission may kindly be accorded to shift the grain measurement business to New Santhepet forthwith. I am enclosing also a copy of the draft Notification which I am sending to Government for information and which I propose to issue after perusal by them I am also requesting the Secretary to Government, Law Department to kindly request the Deputy Commissioner to instruct the District Superintendent of Police to unostentatiously but firmly insist upon all measurements being made in New Santhepet only and to this end to prevent carts and lorries laden with grain for measurements entering old Santhepet and to divert them to New Santhepet

Yours sincerely,
(Sd) B S Raghavendra Rao

To

F Da Costa, Esq., M A.,(Oxon),
Private Secretary to Dewan of Mysore,
Bangalore.

PVR.

Copy
B S Raghavendra Rao
PRESIDENT
CITY MUNICIPAL COUNCIL
MYSORE
17/4/41

Office of the President,
City Municipal Council, Mysore
Dated April 1941

Notification No G T

The New Santhepet being ready for occupation, under para 1 of the Bye-law framed under Section 51 clause (I) (x) of the Mysore City Municipalities Act 1933, in order to remove the great congestion to traffic in old Santhepet, bullocks carts and motor lorries laden with grain are prohibited from entering the Banumiah road (previously known as the Santhepet road) i e , the section of the road between the Devaraj Market square and its junction with the Chamaraja road, This will have effect from

Since, however, the godowns at new Santhepet are not yet ready this order will not apply to lorries and bullock carts containing bags meant for storage only in the godowns in old Santhepet

President

Draft"

PRESIDENT
CITY MUNICIPAL COUNCIL
MYSORE

17 4 41

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L7882 *Dated Bangalore,* 6th May 1941.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department.

To,

The President,
City Municipal Council,
Mysore.

Sir,

With reference to your letter No.G.T.2081 dated 17th April 1941, in the matter of the shifting of the old Santhepet in the City, I am directed to state that under the rules and Bye-laws in force in the City Municipality, you are competent to take such action as is deemed necessary in this behalf and that approval of Government thereto is not required.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,
Law Department.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 6th May 1941

Signed by Mr. A. Arunachalam

List of enclosures

Copied by

Examined by

Section

File No

Serial No

2 copies

No 17992

To The Dpt, of mkts, Inyoor

Sir,

With reference to your letter no Gpt 2081 dy 17-4-41 on the matter of the shifting ~~of the measurements of the Gram (wholesale bazaar)~~ from the old Santhepet to ~~the New Santhepet~~, in the cdf, I am directed to state that under the rules & Bye laws in force in the cdf mkts, the ~~Govt~~ Commissioner is competent to take such action as he deems ~~for in the matter~~ desirable

necessary on
and that appl of Govt to
not ~~necessary for this body~~ required

Thanks etc

HW

For Secy of Com

~~11/8~~ 45 Law Dept

fo

OFFICE,

Bangalore 18-8- 1941

DS Encl (4) 10

Mr. Narayana Rao,

I enclose, herewith, telegrams received from Mr Mohamed Sait, Mysore, re - Santhepet Merchants' grievances and the reply thereto

20 [illegible] 41
GOVT OF MYSORE

Please keep me informed of the development of the situation

Yours sincerely,

H B [illegible]

H V Narayana Rao, Esq , B A ,LL B
Secretary to Government,
Law Department,
G R S Bangalore

885 915 1036 1089

and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No	
	1) submd The connected papers are put up Kind reference is invited to the notes of the Law secy & the minutes of the Dewan relating to the deportation of the merchants of Mysore in this behalf (Vide flag 'Q') -
	2) As further developments, if any, have not been reported by the Govt, so far, in the case, Mysore
21/8	3) The Dy Secy will be called upon to explain his present attitude in the matter Law Secy 21/8
	4) Hm 22/8/44

NOTE—Contn Sheet

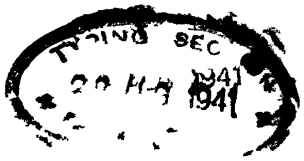
1089 L √ 1412 √ 1415 √ 14 20

File No | of 194 | General and Rev Secretariat

Serial No

5) Subd with a draft letter for appl
27/8
for

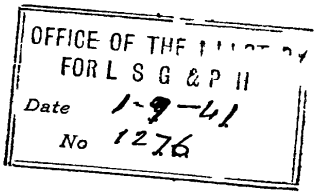
by Hon
HW 27-8



To the President, Cff Omcl, Mysore
No L 1715 Dy 29-8 41
Requests him to state what the present situation is in the matter

7) for perusal
Minister
A S G)

Hm
30/8/41



8) for
31 8 41

Hm
2/9/41

From the Dpty, Cff Omcl at Mysore
No GT 509 Dy 2-9-41
Forwards the report called for.

for
8/9/41

9) A Communication addressed to the Minister for L-S G & P H, by the Dpty, referred to in his letter is put up (Vide flag "A")
Another Communication addressed to the Minister by the Merchants of Santhepet is also put up (flag "B") submitted for perusal
6/9 for

Shifting of the Rd Sanitary-

1446

General and Revenue Secretariat — File No — of 194 1-42 [App F III-2

Serial No

SECY LAW DEPT * 6 SEP 1941 * GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 9-9-41 No 1467

The situation requires to be closely watched & the agitation subsided completely

Law Secy) 11/9/41

for perusal

Minister L S G)

Hm 9/9/41

10 9 41

Hm 11/9/41

Secy.

There appears to be no need to keep this file in Sec any longer — May perhaps be deposited

9/2

Some parties have appealed to the Myne city Council in the matter & it came up recently before the Council for consideration & reference is likely to be received in this connection.

9/2/42

25-5-42

NOTE—Cortn Sheet

File No of 194

General and Revenue Secretariat

Serial No

DEWAN'S MINUTE

853/L 885 L

FILE No 106 1941

Bengalore,
11th August 1941

Encl one

I am meeting a deputation of merchants from Mysore in connection with the shifting of the grain business to the new Santhepet at Mysore at 4 p.m today at the Public Offices I shall be obliged if the connected file is put up early The Minister for Local Self-Government is also being asked to be present at the meeting

DEWAN

Law Secretary)
Minister for L S G & P H)
Dewan)

Submitted with the connected papers
Hm
11 8 41

11 8 41

The deputation waited on the Dewan and the question was fully discussed As per orders of the Dewan, I enquired of the President Mysore City Municipality whether it would cause a great hardship on the merchants if the order should be enforced He said that the situation might be watched for a week at least The Minister for L S G was informed of this and he was pleased to say that no further action at present was necessary

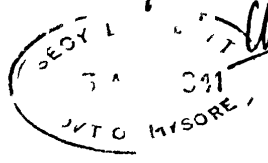
Hm
12/8/41

A letter & a telegram addressed to the Dewan's Secy to HH on the above subject received in the Branch are also put up for personal

Will be kept in suspense for some time and then filed

Hm 20/8/41 Law Secy

13/8



14/8

Copy of telegram dated the 10th August 1941 from Messrs Mohamed Sait and D Subbanna for Santhepet Merchants Committee, Mysore, to the Dewan of Mysore, Bangalore

---

Santhepet merchants 225 shopowners' agents dallals ryots and citizens offer humble respects and submit that Municipal President's notice prohibiting laden carts lorries entering Santhepet from todsy cause great hardship and business brought to standstill Municipal Council not consulted our appeal to Council ignored by President President's action intended more to drive traffic to new Santhepet then regulating traffic no accommodation for all at new Santhepet only nineteen Santhepet merchants possess stalls there and only fortynine stalls there which are totally insufficient prsy most humbly intervention Memorandum follows

---

OFFICE OF THE MINISTER
FOR L S G & P H
Date 11 8 41
No 871

871
11 8 41

DEWAN'S MINUTE

FILE No* 105 1941

Enclosure

Bangalore,
11th August 1941

I am meeting a deputation of merchants from Mysore in connection with the shifting of the grain business to the new Santhepet at Mysore at 4 p m today at the Public Offices I shall be obliged if the Minister for Local Self-Government will kindly be present at the meeting

DEWAN

Minister for Local Self-Government,)
with compliments)

11 8 41

Law Secretary)

13/8/41

May I know
disposal of
[illegible]
[illegible]
[illegible]

C. INDIAN POSTS AND TELEGRAPHS DEPARTMENT 112

NOTICE

This form must accompany any inquiry made respecting this Telegram

Charges to pay — Rs | As

Office Stamp

Handed in at (Office of Origin)	Dat	Hour	Minute	Service Instructions	Words
Mysore	10	14	50	Urgent	100

Reed here at H M

TO Dewan of Mysore Bangalore

Sanchepet merchants 225 shopowners agents dallals ryots and citizens offer humble respects and submit that municipal presidents notice prohibiting laden carts lorries entering Sanchepet from Today

N.B.—The name of the Sender if telegraphed is written after the text.

Lal Coont & Sons Printers Calcutta—No 1390R (B 208)—17 12 40—50 000 Blks

No C 648/Encls

885

Vasantha Mahal,

Mysore, 11th August 1941

From

SIR CHARLES TODHUNTER, KCSI, JP,
Private Secretary to His Highness
the Maharaja of Mysore

To

The Secretary to the Government
of His Highness the Maharaja,
Law Department, Bangalore

Sir,

I am desired to forward herewith for favour of disposal a telegram and a letter signed by Mr Mohamed Sait and others complaining on behalf of the merchants of Santhepet against an order which is said to have been passed by the Municipal President prohibiting certain classes of vehicles laden with loose grain from entering Santhepet

I have the honour to be,

Sir,

Your most obedient servant,

Private Secretary

C. INDIAN POSTS AND TELEGRAPHS DEPARTMENT

NOTICE

This form must accompany any inquiry regarding telegram

Charges to pay		Office Stamp
Rs	As	

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions	Words

TO 11

Reed here at H M

cause great hardship and business brought to standstill municipal Council not consulted our appeal To council ignored by president presidents action intended more To drive Traffic to new Santhet

N B—The name of the Sender if telegraphed is written after the text.

Lal Chand & Sons Printers Calcutta—No 1390R (B 208)—17 12 40—50 000 Bks.

INDIAN... 'S. DEPARTMENT

C INDIAN PO...TS AND ... TELE...RAPHS DEPARTMENT

...TICE

NOT... made respecting this Telegram
This form must accompany any inquiry made ... speci...

Charges to pay		Office Stamp
Rs	As	

Handed in at (Office of Origin)	Dat	Hour	Minute	Service Instructions	Words
TO				Recd here at	H M

III

than regulating traffic no accomodation for all at Dewsanthepet only nineteen Santhepet merchants possess stalls There and only fortynine Stalls There which are Totally

N B.—The name of the Sender if telegraphed is written after the text.

Lal Chand & Sons Printers Calcutta—No 1390R (B 208)—17 12 40—50 000 Bks.

C. INDIAN GRAPHS DEPARTMENT

This form must accompany any inquiry made respecting this Telegram

Charges to pay: Rs A

Office Stamp

(1)

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions	Words

TO

Recd here at H M

Insufficient Pay most Humbly Intervention memorandum follows.

Mohamad Sait & Subbanna for Barrister Merchants Committee

N B—The name of the Sender if telegraphed is written after the text.

Lal Chand & Sons Printers Calcutta—No 1390R (B 208)—17 12/40 7 50,000 Bks.

No C 648/Exec

885

Vasantha Mahal,

Mysore, 11th August 1941

From

SIR CHARLES TODHUNTER, K C S I, J P,

Private Secretary to His Highness

the Maharaja of Mysore

To

The Secretary to the Government
of His Highness the Maharaja,
Law Department, Bangalore

Sir,

I am desired to forward herewith for favour of disposal a telegram and a letter signed by Mr Mohamed Sait and others complaining on behalf of the merchants of Santhepet against an order which is said to have been passed by the Municipal President prohibiting certain classes of vehicles laden with loose grain from entering Santhepet

I have the honour to be,

Sir,

Your most obedient servant,

Private Secretary

C. INDIAN POSTS AND TELEGRAPHS DEPARTMENT 18

NOTICE
This form must accompany any inquiry made respecting this Telegram

Charges to pay — Rs | A

Office Stamp: MYSORE 10 AUG 41

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions	Words
Mysore	10	14	50		100

TO

Recd here at 10-8-41 H 55 M.

His Highness the Maharaja,
Mysore

[illegible]

Sanithepet merchants 225 shopowners agents dallals ryots and citizens offer loyal respects and submit that municipal presidents actions prohibiting laden bullock carts lorries entering Sanithepet upon today causes great hardship and business bought to standstill. Municipal Council not consulted Our appeal to council ignored by president Presidents action intended more to drive traffic to newsanithepet than regulating traffic No accomodation for all at Newsanithepet Only nineteen Sanithepet merchants possess stalls there and only fortyone stalls there which are totally insufficient

Pray most humbly intervention Memorandum follows

Mohamad sait D Subbanna
Sanithepet merchants committee

Signature of correspondent,

Lal Chand & Sons Printers Calcutta—No 189 (B 41)—30 4 40—60 000

THE PRIVATE SECRETARY,

to His Highness the Maharaja of Mysore,

MYSORE.

Sir,

We, merchants of santhepet, dallals, ryots of the district and citizens of the city have this day sent a wire to the Highness which we hereby confirm as follows.

"Santhepet merchants, 225 shop owners, agents, dallals, ryots, & citizens offer loyal respects and submit that municipal presidents notice prohibiting laden carts lorries entering santhepet from today cause great hardship and business brought to standstill Municipal Council not consulted. Our appeal to Council ignored by president. Presidents action intended more to drive traffic to new santhepet than regulating traffic No accomodation for all at new santhepet Only ninteen santhepet merchants possess stalls there and only forty nine stalls there which are totally insufficient. Pray most humbly intervention. Memorandum follows

(sd) Mohamad Sait and D Subbanna
for Merchants Committee, Santhepet

We are enclosing herein a memorandum of appeal to the council from the order of the president which the merchants of santhepet submitted to the president

day before yesterday The president met the merchants of santhepet yesterday at 4.30 P M There was perfect unanimity among them The presddent relied on some previous undertaking given by a few merchants to the effect that they would measure grain in new santhepet But it was pointed out that not all the merchants of santhepet were consulted but only few and even those who had signed the paper had done so without realising the implications of the same. Now many of the very merchants have realised the mistake and were present there to say that business coul d not be transacted at all in santhepet under the restrictions.

We have a right of appeal to the Municipal Council from tne order of the President under tne bye laws and yet the president has chosen to ignore the appeal petition in a most arbitrary manner. It may be noted that the power to pass orders regulating traffic is vested in the Council but only delegated to the President.

Santhepet has had a long history and has been serving a great necessity of the citizens The new santhepet will not hold even one tenth of the business in old santhepet and yet the president thinks of driving the business out of santhepet.

All this is being done at the instance of just a few merchants most of whom are not doing any business at santhepet but who have built stalls at the newasanthepet.

We pray that our humble prayer may be submitted to His Highness the Maharaja for the gracious consideration and favourable orders.

We beg to remain,
Sir,
Your most obedient servants.

Mohamed [illegible]
President, Sulkhpet Merchants Committee

From

The Merchants of Santhepet,

MYSORE

To

The President,

The City Municipal Council,

MYSORE

Sir,

We beg to file the following appeal from the order issuing notice enclosed herewith issued by the Presideht City Municipal Council and request you to be so good as to place the same before the Municipal Council -

1 You have been pleased to issue a public notice under Sec.51, clause 1, sub-clause X of the Mysore Municipal Act of 1933 and the byelawa thereunder, which requires that from the 10th of August 1941 carts, lorries and other conveyences laden with unbagged loose grain should not enter the Santhepet Road, between 5 A M and 9 P.M.

2 We beg to submit that this prohibition will act as a great hardship on the merchants as well as the ryots who come with their carts and will virtually make it impossible to carry on the trade in Santhepet We are assured it is no idea of the Municipal Council that there should be no trade in Santhepet

3 We would like to state our objections both from the legal point of view and from the point of view of our difficulties

4 On a perusal of byelaws under Sec 51 (1) (x) we find that the Santhepet road is declared to be a prohibited one for motor busses and lorries plying for hire Now we find a different direction altogether We take it that the prohibition, which

which prevents motor busses and lorries from entering the Santhepet road was not given effect to for very good reasons The present prohibition, we humbly beg to submit, was not contemplated by the byelaws themselves.

5 The following are some of the hardships and inconveniences th that would result from the above prohibition

(a) A large proportion of the grain supply to the Santhepet comes in the shape of loose loads and not in bags and it is not indicated why such conveyences alone are prohibited So far as we are aware there is no such restriction in the Old Tharugpet, Bangalore, where the roads are extremely narrow nor at New Tharugpet, Bangalore In fact, we do not think, there is such restriction applied to any grain market anywhere in the world

(b) If the idea of the present restriction is that the grain should not be dumped in front of the shops for the purposes of measurement, then we beg to submit, apart from the hardships that would be caused thereby, it will not help the Municipal Council in achieving such an object There is nothing at present to prevent a lorry or a cart laden with bag-loads from coming to Santhepet, unloading before the shops and the contents being measured at the spot What sin the loosely laden carts and lorries commit more than the bag-laden ones is difficult to understand We need hardly submit that it is totally unfair to expect the grain merchants to either purchase or vend without measuring or weighing the goods

(c) The trade in Santhepet has been going on for the last 50 or 60 years and no part of the public has had anything to complain against the traffic there Being intended primarily for/grain marketing, people who are unconcerned with the business there, cannot complain, what is more, they have other roads to make use of for their work, those who have business have so far not complained and will not complain about the traffic much less about lorries and carts laden with loose articles

(d) It is submitted that the business itself in Santhepet has gone down considerably of late The rice business has been shifted to the rice mills and very little of such trade is left in Santhepet So also, the oil business is considerably less in the Santhepet Further, much of the wholesale trade which used to pass through Santhepet is now carried on in Chamarajanagar, Gundlepet, Mandya, Krishnarajanagar and Nanjangud

6 After all, the traffic in Santhepet is very much less that what obtains in like places of business in Bangalore, Madras, Bombay But we agree that there can be an improvement in the regulation of the traffic and we are prepared to cooperate with the Municipal Authorities in any proposal which will not affect the business adversely and hit the merchants For instance, the single bullock cart plying for hire, may be given a separate stand in close proximity to Santhepet so as to be readily available for business calls

7 We gather that a suspension of the traffic of the sort prohibited above is conceived with a view to divert a fair volume of trade to the New Santhepet buildings where some merchants and other Capitalists have invested fairly large amounts In the first place, we submit that it is a very wrong thing to employ the provisions relating to traffic regulation to benefit a few individuals at the cost of a large number of merchants and serious harm to the business In the second place, the New Santhepet was primarily intended for purposes of storing grains - a function which it is already fulfilling very well Lastly, business in any new quarters should be allowed to develop in a natural way, not by either force or other unfair means

8 We beg to submit also that the Santhepet is in a central

place and is convenient to all citizens and any attempt to transfer the business to an out of the way place would be most unwelcome to the citizens

In conclusion, we humbly pray that you may be pleased to place this appeal before the Municipal Council under Sec.49 (1) and the rules framed there-under and have the matter disposed of by the Municipal Council We also pray that pending a final disposal of the appeal the abovesaid notice may not be given effect to.

All communications may be addressed to Mr Mohamed Sait, Abba Road, Lashkar Mohalla, Mysore

Mysore.

8th August 1941

Yours faithfully,

Mohamed Sait

President- Seethapet-

Merchants- Committee

10/8/41

B. S. Raghavendra Rao,
~~NAVARETHAM~~
PRESIDENT

CITY MUNICIPAL COUNCIL
MYSORE

11th Aug. 1941

D 0 313/6 Mr Vifs 915

GEN & REV BRCH
13 AUG 1941
L S G BRANCH

SECY LAW DEPT
13 AUG 1941
GOVT OF MYSORE

My dear Mr Narayana Rao,

I am enclosing herewith for information of Government a copy of letter received from the Private Secretary to His Highness the Maharaja of Mysore and my reply thereto, in the matter of shifting the old Santhepet to the new Santhepet

Yours sincerely,

B Raghavendra Rao

H V Narayana Rao, Esq ,B A ,LL B ,
Secretary to Government, Law Department, BANGALORE

KSR

Send the connected file to before the Law Secy; the Diary no being 885/L Ms will be placed in that file

Law Secy

Serial No	

For perusal

Minister (L S S.)

Hm 2 20/8/41

NOTE.—Contn Sheet

File No

of 194

Serial No.

Copy of letter No. C 440 dated 11th August 1941 received from the Private Secretary to H H the Maharaja of Mysore.

*****

" Mr. Mohammed Sait has sent me a petition, with a request that it may be submitted to His Highness the Maharaja, complaining on behalf of the merchants of Santhepet against an order which he says has been passed by you prohibiting certain classes of vehicles laden with loose grain from entering Santhepet. Before I take any action on the request, I should be grateful if you would kindly send me a note as soon as possible of what has been taking place"

Sd. C. G. Todhunter

"COPY"

for S. Seekantaiya
PRESIDENT,
11-8-1941

KSR

Mohalla,
Mysore

11th Aug. 1941

Dear Sir,

Adverting to your D.O.letter No.440 of date, I am enclosing herewith for your perusal a copy of my letter explaining the then position, to the Private Secretary to the Dewan of Mysore in reply to his D.O.letter No. 6313 dated 4th April 1941 on a petition received from the Merchants of new Santhepet complaining of the inconvenience caused to them on account of the delay in shifting the old Santhepet to the new premises. I also enclose for information a copy of letter No.L.7882 dated, 6th May 1941 from the Government in reply to my communication in this matter.

Since by the time this letter was received, the marriages in the Palace had been fixed up, the shifting of measurement business from the old Santhepet to the new Santhepet was postponed as it was thought that unnecessary sensation might be created at a time when that would be extremely undesirable and was best avoided. The shifting was therefore postponed till after the Birthday festivities of His Highness the Maharaja were over.

I may state at the outset that there is a considerable section of Merchants who are quite willing to shift the measurement business to new Santhepet. In this connection, I am also enclosing herewith a copy of letter No.63 of 17th March 1941 from the President, Mysore Merchants' Association requesting me to shift the old [illegible] that the merchants in old [illegible] will [illegible] to the new Santhepet

I am also submitting for your information, in original, applications from some merchants giving me alternative dates for the shifting of the measurement business.

I may add that last year when prosecutions had been launched in respect of the violation of an order passed by my predecessor re regulation of traffic in new Santhepet these very merchants have definitely given an undertaking before the District Magistrate saying that the measurement business has already been shifted from the old Santhepet to new Santhepet. I am enclosing a copy of the petition they submitted at that time.

In this connection, I may submit to you in original, a list of merchants in the old Santhepet and how many of them really do measurement business. It will be seen that out of 51 persons who do measurement business, 27 have got their own godowns in the new Santhepet and almost all the big businessmen have got, I understand godowns in the new Santhepet. There are 49 shops in new Santhepet. So normally some more godowns would be available for those who want it. The persons that have no godowns are those that did not care to have it when new Santhepet sites were given and they have therefore no reason to complain. I may add also that I understand that a number of the merchants in old Santhepet are only tenants and do not own the premises.

This present is perhaps a last minute effort made with the hope that obstruction of this type to the shifting of the old Santhepet might perhaps prove successful as heretofore and a stay order may be secured as once this is done, somehow that they may carry on in old Santhepet as before.

I may add in conclusion that the President of the Mysore Merchants Association is Mr. Shantarajamma and Mr. Mohamed Sait appears to be the President only for the purpose of opposing the shifting.

With regards,

Yours sincerely,

Sd B S Raghavendra Rao

Sir Charles Todhunter, K.C.S I.,J.P.,
Private Secretary to His Highness
the Maharaja of Mysore, MYSORE.

KSR.

"COPY"

B S Raghavendra Rao
PRESIDENT,
11-8-1941

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... ve ... et ... to ... st ...
... is ... t on th ...

... I took ... ... cussions it ... Pr ... t ... secretary of the Ass ... with th ... several merchants re shifting the Santhepet at ... and t ... re was considerable opposition to the shifting wholesale Th ... re ... e ... or t ... that objected even to the s ... ... of the measure ... nts to t ... new Santhepet but their objections I am afrai ..., c ... ot ... b ... ded

5 I personally ins ... ted the old Santhepet shops, alo ... with the Municipal Engineer and the Health Officer I may state in this connection that some of the godowns of the old Santhepet ar ... very large and the new Santhepet structures they are, can ot accommodate the goods stored in old ... godowns It will take at least one or t o years ... fo ... godowns to me t their requirements co ... be co struc ... Santhepet. In order however, to ... rov ... con ... estion a ... tation in old ... anthepet and to 'Zone' t ... train buil ... the City in a suitabl ... l ... ce away from the present area, the M ... rchants ... re ... e ... ver agreeable after ... r ... tion to shift the m ... asu ... nts to new Santhepet T ... i ... for t ... re ... ers noted ... elow, is a suit ... ble compromise

... Rao,

6 I ... to submit that once the re ... surements ... are not allo ... d to ... e ... de in old ... anth ... t all country ... and lorries ... ar ... i ... train into the City will ... e ... ... th ... I ... nt ... ni ... e ... of ... easu ... nts and ... tock ... ir ... of ... rain in ... anthepet will ... e ... ... will ... e ... ver have to ... ir ... to old ... anthepet will ... ser ... tir ... ar ... godowns and will ... anthepet ... rains ... ecked and ... ready for ... ... to ... d

7. Some of the i ... portant ... re ... ert ... ... re ... th

Copy of letter No 63 dated 17th March 1941
from the President, The Mysore Merchants' Association,
New Santhepet, Mysore to the President,
Mysore City Municipal Council

******

"Merchants in old Santhepet are willing to have the measurements and weighments of grains etc coming into Mysore from surrounding areas, done at New Santhepet from 28th March 1941 Arrangements to effectively direct all country carts bringing grains etc to New Santhepet may kindly be arranged by you "

"Thanking you"

Sd T Santharajappa,
PRESIDENT

"C O P Y"
S Sreekantaiah
For PRESIDENT,
11-8-1941

KSR

మేమందరం ఆఫీసర్స్ డే వ్యవహారంలో ఏమీ చేసినా కాదనకుండా సహకరించాలి - మేమందరం కలసి వెళ్ళి అయ్యగారువద్ద కూర్చుండి వారితో మాట్లాడి వారిని ఒప్పించాలి.

మేమందరం అట్లా చేయకపోతే అయ్యగారన్నట్లు అయ్యగారి దగ్గర ఫిర్యాదులు చెప్పి వారిని కూడా పాడుచేసినట్లు అవుతుంది. ఇట్లా చేయడం వల్ల ఆఫీసులో మనకు స్వాతంత్ర్యం లేకుండా పోతుంది.

ఈ విషయం మీరు ఆలోచించి అయ్యగారికి లాభకరమైన మార్గం ఆలోచించి, అయ్యగారిని కలిసి, మనకు ఇష్టమైన పద్ధతిలో, మనకు కావలసిన స్వాతంత్ర్యం ఉండేటట్లు, మనం తగిన బేరం చేసి పోరాటం చేయాలి.

ఈ విషయం మీద మనందరం కలిసి మీటింగ్ ఏర్పాటు చేసుకొని, అయ్యగారి వద్దకు వెళ్ళి ఆఫీసర్స్ డే ను మళ్ళీ మామూలుగా జరుపుకొనేటట్లు, ఈ విషయంలో మనకు కావలసిన స్వాతంత్ర్యాన్ని పదిలపరచుకొనేటట్లు ప్రయత్నించాలి.

మేల్కోటూరు
4-4-1940

× ×

(signed by 47 merchants)

Copy
S Sreekanthaiya
for president

RS III—3]

B S RAGHAVENDRA RAO
PRESIDENT

CITY MUNICIPAL COUNCIL
MYSORE

11th Aug 1941

D 0314/51

M. 171

GEN & REV. SECRETARIAT 18 AUG 1941 L S G

OFFICE OF THE MINISTER FOR L S G & P H
Date 12-8-41
No 1965

My dear Mr Da Costa,

I am submitting herewith for the information of the Dewan a copy of the letter received from the Private Secretary to His Highness the Maharaja of Mysore and my reply thereto, re shifting of Santhepet.

Yours sincerely,
B S Raghavendra Rao

Submitted for information
Sd
12/8/41

E da Costa, Esq , M A (Oxon)
Private Secretary to the
Dewan of Mysore, BANGALORE

Do Minister L S G with compliments

KSR
12/8/41

13 8 41

Law Sec'y
W/C
16/8/41

16/8/41

R S III—91

ROUTINE NOTES

[To be used only for notes, requisitions, etc , not intended for permanent record]

Send Mr Connected file as before the Law sent, the Diary number being 8855
WB 20/8 This will be placed in that file on its return from the Branch

N B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

WD 05639—36 000—GPB—20 3 40

Yes
HH 20-8

Copy of letter No C 440 dated 11th August 1941 received from the Private Secretary to H H the Maharaja of Mysore

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" Mr Mohammed Sait has sent me a petition, with a request that it may be submitted to His Highness the Maharaja, complaining on behalf of the merchants of Santhepet against an order which he says has been passed by you prohibiting certain classes of vehicles laden with loose grain from entering Santhepet Before I take any action on the request, I should be grateful if you would kindly send me a note as soon as possible of what has been taking place"

Sd C G Todhurter

"COPY"

for PRESIDENT,
11-8-1941

KSR

11th Aug. 1941

Dear Sir,

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Since by the time this letter was received, the marriages in the Palace had been fixed up, the shifting of measurement business from the old Santhepet to the new Santhepet was postponed as it was thought that unnecessary sensation might be created at a time when that would be extremely undesirable and was best avoided. The shifting was therefore postponed till after the Birthday festivities of His Highness the Maharaja were over.

I may state at the outset that there is a considerable section of merchants who are quite willing to shift the measurement business to ne Santhepet In this connection, I am also enclosing herewith a copy of lette No 63 of 17th March 1941 from the President, Mysore - Merchants' Association requesting me to shift the old Santhepet and stating that the merchants in old Santhe x are willing to shift to the new S nthepet and that arrangements be made effectively for directing the cou carts bringing grains etc. to be t[illegible] to the ne[illegible] pet etc.

I also submitting for your information, in original, an application from some merchants giving me alternative dates for the shifting of the measurement business.

I may add that last year when prosecutions had been launched in respect of the violation of an order passed by my predecessor re regulation of traffic in new Santhepet these very merchants have definitely given an undertaking before the District Magistrate saying that the measurement business has already been shifted from the old Santhepet to new Santhepet. I am enclosing a copy of the petition they submitted at that time.

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This present is perhaps a last minute effort made with the hope that obstruction of this type to the shifting of the old Santhepet might perhaps prove successful as heretofore and a stay order may be secured as once this is done, ~~and~~ that they may carry on in old Santhepet as before.

I may add in conclusion that the President of the Mysore merchants Association is Mr. Shantarajappa and Mr Ichanred ~~suit~~ appears to be the President only for the purpose of opposing the shifting.

"COPY"

PRESIDENT,
11-[illegible]-1941

Copy of letter No L 7882 dated 6th May 1941 from the Secretary to Government, Law Department, Bangalore to the President, City Municipal Council, Mysore.

*****

"With reference to your letter No G T.2081 dated 17th April 1941, in the matter of the shifting of the old Santhepet in the City, I am directed to state that, under the rules and Bye-laws in force in the City Municipality, you are competent to take such action as is deemed necessary in this behalf and that approval of Government thereto is not required"

Sd. A. Arunachalam,

For Secretary to Government,
Law Department

"C O P Y"

S Seshachalu

For PRESIDENT,
11-8-1941

KSR

Copy of letter No 63 dated 17th March 1941
from the President, The Mysore Merchants' Association,
New Santhepet, Mysore to the President
Mysore City Municipal Council.

*****

" Merchants in old Santhepet are willing to have the measurements and weighments of grains etc coming into Mysore from surrounding areas, done at New Santhepet from 28th March 1941 Arrangements to effectively direct all country carts bringing grains etc to New Santhepet may kindly be arranged by you "

"Thanking you"

Sd T. Santharajappa,
PRESIDENT

"C O P Y"

By Nagendra R
PRESIDENT,
11-8-1941

KSR

శ్రీ

మేల్పేనూరు వర్తక సంఘం కార్యదర్శి
వారు సాహెబ్ బహదూర్ గారికి -
మేల్పేనూరు వర్తక సంఘం తరపున
చేయు విన్నపం. మీరు మన ప్రాంతపు
వ్యాపార వర్తక సంఘాలకు అధ్యక్షులు.

మేల్పేనూరు వర్తక సంఘం ఏర్పడి
సుమారు ఏభై సంవత్సరాలు అయింది.
ఈ సంఘం ద్వారా ఎన్నో వ్యాపార
సమస్యలు పరిష్కరించడం జరిగింది.
ఈ సంఘం ఏర్పడిన తరువాత
మేల్పేనూరు వర్తకులు ఎంతో
అభివృద్ధి చెందారు.

ఈ సంఘం ద్వారా ఎన్నో ధర్మ
కార్యక్రమాలు కూడా జరిగాయి.
పేదవారికి అన్నదానం, వస్త్రదానం
చేయడం, ఆపదలో ఉన్నవారిని
ఆదుకోవడం, ఇలాంటి ఎన్నో
మంచి పనులు చేశాము.

ఈ సంఘం ఇంకా ఎంతో కాలం
ఇలాగే ఉండాలని, ఇంకా
ఎన్నో మంచి పనులు చేయాలని
మా ఆకాంక్ష. ఈ సంఘం
ఎప్పటికీ ఇలాగే ఉండాలని
మీరు ఆశీర్వదించాలని
ప్రార్థిస్తున్నాము.

మేల్పేనూరు
14-4-40

x x

(Signed by 47 merchants)

"Copy"
S Seetharamaiah
for president

INDIAN POSTS AND TELEGRAPHS DEPARTMENT 4

NOTICE

This form must accompany any inquiry made respecting this Telegr[am]

Office Stamp

15 AUG 41

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions	Words
Nazira	15	11	26		32

TO

Recd here at 12 H 16 M

P-Sopdam-Twelve Minister Local self Government Camp Dt-assam Santhepet- merchants anxiously waiting for redressing their grievances business deadlock rayots hardships personal examination essential awaiting your visit-

Mohamed Said-
president- Santhepet-
merchants Committee

N B—The name of the Sender if telegraphed is written after the text

Lal Chand & Sons Printers Calcutta—>21R (B 093)—31 5 40—90 000 Bks

---

N B—The name of the Sender if telegraphed is written after the text.

Lal Chand & Sons

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

NOTICE

This form must accompany any inquiry made respecting this Telegram

Charges to pay
Rs

Office Stamp
KARACHI
18 AUG. 41

Handed in at (Office of Origin) | Date 18/11/40 | Hour | Minute | Service Instructions | Words

TO

Reed here at 12 2 M

Minister Local Self government
Sakkar from
Awaiting your personal attack
and redress.
Mohammad Ali =

N B—The name of the Sender if telegraphed is written after the text.

Lal Chand & Co.

D.O.letter No.201 dated 18th August 1941 from the Personal Assistant to the Minister for L.S.G. and P.H. to Mr. Mohamed Sait, President, Santhepet Merchants' Committee, Mysore.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Receipt for Inland Reply Telegram

Class Excess Charge No Date
Prefix Rs

Office of Origin

The excess charge (if any) printed on this Form has been duly paid in respect of the telegram indicated by number. Should any reference become necessary the production of this Receipt will enable the telegram to be traced by the Office of Origin within seven days of the date of its dispatch thereafter *Complaints* respecting this Telegram and applications for *Refund* involving complaints against the service should be made to the Postmaster General of the Circle concerned within two months. Applications for Refund *which do not involve complaints against the service* should be made to the Officer in charge Telegraph Check Office Calcutta

---

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

A P R 76

Inland Reply Telegram

Class Rs A
Prefix Excess Charge No Date

Office of Origin

H M | Words

Sent at

To

By

Excess charge Rs A.

Space for Postage Stamps
(*Space for additional postage stamps on reverse*)

(If National Cash Register Machine is in use booking clerk should sign here)

Service Instructions

Code

Nothing to be written by the Sender above this line

The class should be Express if the value of the Reply Voucher and cash (if any) is sufficient to cover the cost by that class otherwise it should be Ordy

NOTICE

The address of this Telegram must be fully and correctly written. Ordy Telegram

TO { Name / Address / Telegraph Office

FROM {

NOT TO BE TELEGRAPHED

{ *Signature and Address of Sender*

D.O.letter No.201 dated 18th August 1941 from the Personal Assistant to the Minister for L.S.G. and P.H. to Mr. Mohamed Sait, President, Santhepet Merchants' Committee, Mysore.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Receipt for Inland Reply Telegram

Class Excess Charge. No Date
Prefix Rs ▲

Office of Origin

The excess charge (if any) printed on this Form has been duly paid in respect of the telegram indicated by number. Should any reference be ome necessary the production of this Receipt will enable the telegram to be traced by the Office of Origin within seven days of the date of its despatch thereafter Complaints respecting this Telegram and applications for Refund involving complaints against the service should be made to the Postmaster General of the Circle concerned, within two months. Applications for Refund which do not involve complaints against the service should be made to the Officer in charge Telegraph Check Office, Calcutta

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Inland Reply Telegram

Class Rs ▲
Prefix Excess Charge No Date

Office of Origin

Service
Code ____ ____ Instructions

Nothing to be written by the Sender above this line

H M | Words

Sent at

To

By

Excess charge Rs | A.

Space for Postage Stamps
(*Space for additional postage stamps on reverse*)

(If National Cash Register Machine is in use booking clerk should sign here)

The class should be Express if the value of the Reply Voucher and cash (if any) is sufficient to cover the cost by that class otherwise it should be Ordinary

NOTICE
The address of this Telegram must be spelled exactly as that of an Ordinary Telegram

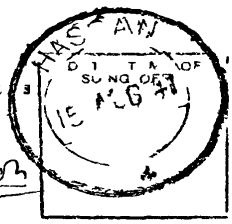
TO { Name / Address / Telegraph Office

FROM {

NOT TO BE TELEGRAPHED { *Signature and Address of Sender*

INLAND TELEGRAM

A sum of *Rs — *A 12 having been deposited for a reply to
Telegram No 4 handed in at — — Bangalore — at 11 H 30 M
Form will be accepted within two months of the date of its issue at any Telegraph Office in payment or in part payment as the case may be of an Inland Telegram



Signature of Issuing Clerk

NOTE —The sum paid must be written in words *not in figures*

NOTES —If this Form be not used the amount deposited will be returned to the Sender of the original Telegram on application being made by the Sender to the Office Exchange Telegraph Check Office Collecting within *two months of the date of issue* of this Form After this time no application for return of the amount will be entertained This Form must be produced when the application is made If the charge for the Telegram asked by this Form is less than the amount deposited the difference if it be not less than eight annas will be refunded to the Sender as stated hereon A fresh Form is issued on a Reply Telegram Form which has been prepaid by another Reply Telegram Form and not by cash or stamps.

The *ACCURACY* of Telegrams is guaranteed and the Sender and Receipt *ALL RISKS* assigned from and liability arising from Errors or Delays in the Transmission Delivery or Non-delivery of Telegrams are undertaken by the Postmaster General of the Circle, concerned within two months of the date of the Telegram Compensation in respect of this Telegram should be claimed from the Postmaster General of the Circle, concerned within two months of the date of the Telegram Therein not exceeding Rupees Two hundred and fifty which is the maximum amount payable in any case

Karnataka Govt Press Bangalore —1047 (P 173)—6 3 35—2 000 Edn

D.O.letter No.201 dated 18th August 1941 from the Personal Assistant to the Minister for L.S.G. and P.H. to Mr. Mohamed Sait, President, Santhepet Merchants' Committee, Mysore.

With reference to your telegrams regarding Santhepet Merchants' grievances, the Minister desires me to inform you that he is now engaged in touring the Hassan district and that he will try to visit Mysore after the 25th inst.,

---

" c o p y "

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L1715 Dated, Bangalore, 29th August 1941

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department.

To

The President,
City Municipal Council,
Mysore.

Sir,

With reference to the correspondence ending with your D.O.letter No.314/51 dated 11th August 1941, addressed to the Private Secretary to the Dewan about the shifting of the Santhepet at Mysore, I am directed to request you to be so good as to state for the information of Government what the present situation is in this matter.

I have the honour to be,

Sir,

Your most obedient servant,

(Draft) for Secretary to Government,
Law Department.

K.M.R.2.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 29th Sept. 41

Signed by

List of enclosures

Copied by

Examined by

Section ML

File No

Serial No

No L/715

To The President,

City Mcl, Mysore

Sir,

With reference to the correspondence ending with your Do letter No 314/51 Dy 11-8-41 addressed to the Private Secy to the Dewan ~~for the matter of~~ about the shifting of the Sanitepet-at Mysore, I am directed to request you to be so good as to state for the information of Govt as what the present situation is in this matter

I have etc

for Secy to Govt

Law Dept

WD 086—GPB—40 000—30 7 40

B S Raghavendra Rao,
PRESIDENT

CITY MUNICIPAL COUNCIL
MYSORE

22nd Aug.1941

D O 331/Gne

Dear Sir,

Adverting to your letter of the 19th instant, I am submitting herewith for your kind information, a copy of the confidential D O letter received from the District Superintendent of Police, Mysore in the matter

In this connection, I would also like to add that while there are only two or three who are actually averse to shifting the measurement business from the old Santhepet, the rest of the merchants are all agreeable and a few have already shifted and measurements have begun in the new Santhepet Those that have not yet shifted are waiting to watch the developments and they will shift immediately they come to know that measurement business will as a permanent measure not be permitted in the old Santhepet

With regards,

yours sincerely,

B S Raghavendra Rao

H B Gundappa Gowda, Esq , B A ,B L ,
Minister for Local Self-Government and
Public Health, Public Offices, BANGALORE

With the Connected file has been submitted to the Minister for L S G & P H & appd, this will be sent in confirmation (Received back after perusal)

KSR

Copy of Confidential D.O letter No G.C.217/40-41
dated 21st August 1941 from the District Superintendent
of Police, Mysore district,Mysore

******

"Ref Your D.O letter No 328 dated the 20th instant enquiring about the situation in Santhepet"

"The Police Inspector, B Division, and the Sub-Inspector, Devaraj Station are constantly moving about in Santhepet and watching the situation

It is reported that the merchants who are opposed to the recent notification of the President of the City Municipal Council are expecting that as a result of their representations to the higher authorities, the notification would be modified

Carts and lorries loaded with grain in bulk are not coming into Santhepet Even though the merchants can conveniently get the grains in bags, they are only getting the minimum quantity in bags for their business in carts and lorries and consequently the traffic has become little thin in Santhepet They are doing this with the purpose of exaggerating their grievance and to say that their business has gone down and that they are sustaining loss

Messrs A Mohammed Sait, Sanganna Basappa, Nandi Basappa, Thammanna and others who are the leaders of the aggrieved merchants have promised the merchants that the Minister for Local Self-Government would shortly visit Mysore and would look to the things personally and redress their grievances and the merchants are hoping for this So far there was no instance of any disobedience of the notification nor any challenge

The merchants seem to think that if they exaggerate their grievance and clamour for the cancellation of the notification, it would be cancelled in course of time

SECY LAW DEPT 2 SEP 1941 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H
Date 1-9-41
No 343

To

The Minister of Local Self Government,

Government of His Highness the Maharaja of Mysore.

GEN SECRETARIAT 3 SEP 1941 L S G BRANCH

Sir,

This copy has been forwarded with compliments for your kind perusal and information

B S Chandrasekharaiah

Santhepet Merchant

M Y S O R E

Aug 24, 1941

Copies of the same have been forwarded to

(i) The President,
Merchants' Association,
M Y S O R E

(ii) The President,
Mysore City Municipal Council,
M Y S O R E

(iii) The President,
Santhepet Merchants' Committee,

The President,
Merchants Association,
Mysore.

Sir,

We the merchants of the Santhepet learn that you have passed some resolution about the business in Santhepet and transferring the same to new Santhepet. We wish to inform you that you cannot represent the merchants of Santhepet and we cannot recognise any resolution that you may pass as representing the real views of Santhepet merchants.

Yours faithfully,

"TRUE COPY"

Mysore dated 24-8-1941 (Sd) 1. D. Subbanna.
2. P. Mallanna.
3. T. Thammanna.
4. M. B. Chikka Veerappa.
5. Chinnagiriyappa.
6. Basappa.
7. H. Narayannappa.
8. Srinivas Setty.
8. B. s. Chandrasekhariah.
10. Adam Haji Mohamad Essack.& Co.
11. M. J. Kempanna.
S/O Dodda Javarappa.
12. A. R. Sreenivasa Rao.
13. N. Papiah.
14. Settappa.
15. P. Narasimhiah Dasappa
16. C. Chinnagiriyanna.

(Cond.)

17. Haji Mohamad Haji Essa.& Co.
18. L. Chaluviah.
19. R. Thimmayya.
20. Yajman Puttavenkataramaniah.
21. N. Krishnaji Rap.
22. 3. Gundu Rao.
23. Mohamd Kasim.
24. Yajman Linganna.
25. N. Rama Swamy.
26. T. M. Kombi Gowder.
27. B. N. Sublanna.
28. T. B. Chikkanniah.
29. M. Lakshman Rao.
30. Gudiyappa.
31. Kendaganna Swami.
32. P. M. Musthapha.
33. L. Ramanna (Ragi Landi)
34. E. S. Subrhamanya Iyer.
    S/O E. Sundram Iyer.
35. C. Narayana Iyengar.
36. E. Kunji Ahmed & Bros.
37. B. M. Husein Koya.
38. K. Dhanakoti Chetti.
39. N. Seetha Ramiah.
40. Hassan Sait.
41. M. Nagesha Rao.
42. B. L. 3. K. Ramiah Setty.
43. K. Venkata Rama Setty.
44. B. Kenchappa.
45. Dallali Majiah.
46. M. Deviah.
47. A. Huliyappa. C. Kariayanna.
48. Shamanna.
49. Dallali Puttamadappa.
50. M. L. Ramiah.

(Cond.)

51. Manoharmal Siremal.
52. S. G. Padma Rajiah.
53. S. Boriah L. Ramiah.
54. L. Mahalingappa of L. Siddiah & Sons.
55. P. Javarappa of P. Anniah.
56. N. Sivanna.
57. K. V. Sreenivasa Setty.
58. S. Siddalingiah.
59. R. Setiba Rao.
60. G. R. Hanumanthappa.
61. M. T. Naranayya.
62. Seenappa.
63. C. Venkata Ramaniah.
64. Abdul Rahiman.
65. C. Hanumanthiah.
66. M. S. Sivanna of Veerabhadrappa.
67. Lingiah.
68. M. N. Subbarayan.
69. H. Basappa.
70. P. Chikka Muddanna.
71. Ranga Dhamiah.
72. K. Thirunarayana Iyengar.
73. K. Nanjappa Rao.
74. Sha K. Nanchand.
75. R. Palaniyappan.
76. Tayoob Ahmed & Co.
77. V.Venkatsawamaiah
78. P.C.Devappa
79. Tyeb Abdul Kareem Sait & Co.,
80. N.Canganabassappa
81. M G.Putswamaiah
82. Bangalore Subbanna
83 dam Hajee Omer Sait & CO
84. Mir Meyath Amir Ali Sah & CO
85. Nana Venkappa

CONFIDENTIAL

No G T 509

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Dated 2nd September 19 41

From B S Raghavendra Rao, Esq , M A (Hons)
~~M. NAVANEETHAM NAIDU, Esq~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

GEN & T V SECRETARIAT
5 SEP 1941
L S G BRANCH

SECY LAW DEPT
Ta 41
GOVT OF MYSORE

H V Narayana Rao, Esq ,B A ,LL B ,
Secretary to Government, Law Department,
BANGALORE

Sir,

Adverting to your letter No L 1715 of the 29th August 1941, regarding the shifting of the old Santhepet, I have the honor to forward herewith a copy of my letter dated 22nd August 1941 to the Minister for Local-Self Government in the matter.

The District Superintendent of Police told me yesterday that there is nothing particular to report and things are as reported in the letter under advertance. A few merchants have moved to new Santhepet and such of those that are still in old Santhepet are not getting any grain measured in the prohibited street They get the grain to their houses in bags or through carts in the rear lanes They have not shifted to new Santhepet as they still hope the order will be lifted

Mr Mohammed Sait and some others had put in an appeal petition over my orders to the Municipal Council and this is being placed before the Council in the monthly meeting at the end of this month In the meanwhile, an interpellation had been put up at the last meeting of the Council a copy of which and my reply thereto is enclosed The position was explained to the Council From their queries, I understand that in the Municipal Council, even in the Congress party there are two sections and ~~several~~ one of them do not want to interfere with the orders as they are conducive to better sanitation and to the improvement of the town

As stated already in my previous communications I think all the ~~by~~ big merchants will gradually move into new Santhepet when once they know that the order will not be interfered with. For Dallalis ~~who~~ others have no shops a shed measuring 30'x12' has been constructed and if more such are required they will also be put up

I have the honour to be,
Sir,
Your most obedient servant,

B. Nagendra Rao
—PRESIDENT 21/5

KSR

Copy of letter No 331/One dated 22nd Aug 1941
to the Minister for Local-Self-Government

"Adverting to your letter of the 19th instant, I am submitting herewith for your kind information, a copy of the confidential D O letter received from the District Superintendent of Police, Mysore in the matter

In this connection, I would also like to add that while there are only two or three who are actually averse to shifting the measurement business from the old Santhepet, the rest of the merchants are all agreeable and a few have already shifted and measurements have begun in the new Santhepet Those that have not yet shifted are waiting to watch the developments and they will shift immediately they come to know that measuremen business will as a permanent measure not be permitted in the old Santhepet"

Sd B S Raghavendra Rao,
PRESIDENT

"COPY"

B S Raghavendra Rao

PRESIDENT,
2-9-1941

KSR

[illegible]
[illegible]

****

"Ref. Your D.O letter No.[illegible] dated the 20th instant enquiring about the situation in Sandhepet"

"The Police Inspector, [illegible] Division, and the Sub-Inspector, [illegible] Station are constantly moving about in Sandhepet and watching the situation

It is reported that the merchants who are opposed to the recent notification of the President of the City Municipal Council are expecting that as a result of their representations to the higher authorities, the notification would be modified.

Carts and lorries loaded with grain in bulk are coming into Sandhepet. Even though the merchants can evidently get the grains in bags, they are only getting the minimum quantity in bags for their business in carts and lorries and consequently the traffic has become little thin in character. They are doing this with the purpose of exaggerating their grievance and to say that their business has come down and that they are sustaining loss.

[illegible] to me about it, [illegible] and [illegible] Congress, Thiru [illegible] and others who are the leaders of the [illegible] party have promised the merchants that the Minister for Local Self-Government will shortly visit Mysore and will look to the things personally and redress their grievances. The merchants are hoping that they will get their grievances redressed, as the matter is one which concerns the entire merchant community.

The merchants are getting [illegible] in their efforts to [illegible] the Government for the cancellation of the notification, at [illegible] more loaded carts [illegible]

I [illegible] that, in the past, several notifications were recalled or their representation and this also could be recalled.

So far there is no indication of any subversive activity. The situation is being watched"

Sd. A. Rangaswami Iyengar.

District Superintendent of Police, Mysore.

"COPY"

B Veeshaveendra

No 84 Interpellation tabled by Mr A.Krishnamurthy, Municipal Councillor -

Questions	Answers
Is the President aware of the fact of putting up two stone-slab notice boards fixed at both the ends of Santhepet Road?	Yes
b) On what date were they fixed up in those places?	9-8-1941
c) Have these boards been fixed up as a consequence of any resolution of the Managing Council or any one of the Executive Committees?	These have been fixed up as per Section 51 (1) (x) of the Mysore City Municipality Act of 1933
d) What is the total cost incurred in connection with fixing up of these notice boards?	The work has been done by the Trust Board
e) When and to whom were orders placed for the execution of this work?	
(f) Were any tenders called for?	
(g) If tenders were called for, were they placed before any Committee?	
(h) Has any estimate been prepared by any Committee regarding the cost of these notice boards?	
(i) Have the bills regarding the cost of these notice boards been paid?	
(j) If paid on what authority?	

By Naidu

29th August 1941

President

PVR

4737 to 4791

General and Revenue Secretariat — ml — File No 111 of 1941-42 — [App F III-2

Serial No	
	From the Dch, Cff mlcl, Mysore. No gg1887 Dj 17-2-42 Forwards a copy of the resolution of the Cff mlcl passed on the petition filed by Mr Yaqoob Ahmed & others against the notification dated 25-7-41 issued by the Dch, in the matter of Shifting of the old Santhepet
"A"	1) A D.O letter received from the Dch, Cff mlcl, Mysore, on the subject is also put up.
	2) The Law section may perhaps be consulted -
	3) Submitted for orders.
	4) wherein the original C/M2 of the file relating to Reg B please. This is necessary before referring it to the Law section
	5) M/L have submitted for
6)	ML III-41 dtd 41-42 containing D/Mur letter No L 3707 Dj 8.11-41 is back traced & put up as directed
	From the Dch, Cff mlcl, Mysore No 5685 Dj 22.3-42 Forwards a copy of the resolution No 194 passed on 7-3-42 stating

NOTE—Cont Sheet

WD C4166- GI B—56 000—23-10-41

appeals against the orders Prohibiting the meas[illegible]
5360/41 47910 5685 of Grains in the old Santhapet

File No of 194/42 — General and Revenue Secretariat

Serial No

that the order passed by the Dpt
be withdrawn.
7) The Dpt has stated that he
would send separately the
discussions on the matter & which can orders
suited for Bensal orders
27/3 8) Reference made to the Law Secy's
note dy 30.9.41 on MC file 111-41-42 14
27/3 9) The opinion of the Law
Section may be obtained on the
legal point raised in the
Municipal's note (Flag X)

[illegible] JEPT 2607 [illegible] CONF [illegible] DRE

Law Secy) for 28/3 per

Hon 31/3/42
Assistant Secretary Law Section MC) for 31 3 per — Legal opinion file no 2000 per

31/3/42 — dy 31-3 MC

Serial No

10) Flag A is the order passed by the President of the Mysore Municipality under Para (1) of the Bye-laws framed by the Municipal Council under Section 51(1)(X) of the City Municipal Act . The question to decide is whether this order is appealable, or not and whether, if not appealable, is subject to Revision or not?

11) It must be remembered that under the Act, the Mysore President has two sets of powers - One under Section 24(1) and the other under Section 24(2), unlike the Bangalore President The Order in question has been passed by the Mysore President under his Statutory powers (Vis) under Section 24(1)(d) . There can be no doubt about this fact

12) Hence it follows that the order in question was not passed by the Mysore President in the exercise of the powers vested in him under Section 24(2) of the Act - in short, he did not pass the order as a Commissioner

13) The conclusion that is arrived at from the above facts therefore is that the order in question cannot come under the purview of Section 249 of the Act, which relates to the orders passed by the Commissioner Further, there is nothing either in the Act or the Rules, to hold that an appeal against this order is inadmissible

NOTE—Cont Sheet

The

File No of 194 | General and Rev. Secretariat

Serial No

14) The result that we arrive at from these set of facts, is, that the order in question is appealable under Para (1) of Chapter VII of the Mysore Rules and Bye-laws, and is also subject to Revision under Para 2 of Chapter VII of the same Rules and Bye-laws.

15) But if the same order was passed by the Commissioner, it would neither be appealable nor subject to Revision It must be remembered that even the Commissioner, like the Mysore President, has no power to pass such an order until and unless it is delegated to him by the Council Flag Y Para (1) shows that the Council has delegated this power to the Commissioner (and not to the Bangalore President) in the same way that it has delegated it to the Mysore President

16) Why is it that the Council did not delegate their power to the Bangalore President? The reason for this is that under Section 33(2) of the Act the executive power for carrying out the provisions of the Act vests in the Commissioner subject to certain reservations The regulation of traffic (Section 51(1)(X) is an executive act, hence this power of the Council had to be delegated to the Commissioner.

17) In Mysore the President has the same powers of the Commissioner plus his own powers, and it cannot be denied that the executive authority in

Mysore

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

Mysore is the President just as the Commissioner is in Bangalore

18) It is therefore strange that an executive order, like the one in question, if passed by the Mysore President is appealable and also subject to Revision, but if passed by the Commissioner is neither appealable nor is subject to Revision, and each of them is the Chief Executive Authority in their respective Municipalities This is an anomaly which has to be explained, and if it cannot be explained, it has to be rectified

19) " Unless a right of appeal is clearly given by Statute", or " Some authority equivalent to a Statue" it does not exist 28 Allahabad 549-550 (1906), 27 Madras 504 (1904) So far as the orders of the Mysore President are concerned, no right of appeal is given in the Act, but the right of appeal is given under Para (1) of Chapter VII of the Mysore Rules and Bye-laws

20) No doubt Rules and Bye-laws have the force of Law, if they are intra-vires, but it cannot be said that either a Rule or a Bye-law is equivalent to a Statute To me it seems that Paras (1) and (2) of Chapter VII framed under Section 49 (i) and (ii) are ultra-vires, because Section 49(b)(i) and (ii) of the Act gives no power to the Council to determine the

NOTE—Cont Sheet

WD 04150—GPB—55 000—23-10 41

right

File No. of 194 | General and Revenue Secretariat | Serial No

right of appeal or Revision against the orders of the President Section 49(b)(i) and (ii) of the Act gives to the Council only the right to "determine the executive functions" of the President etc , and to "determining the Staff and Officers" of the Council and their "respective duties" and to delegate "any of its powers and duties" to such persons Even a a Municipal Council has no power to hear an appeal, until and unless it is expressly given to it under a Statute - and when such a right is given it cannot be delegated Thus, I cannot see how the Council framed the Rules specified in Paras(1) and (2) of Chapter VII, when the Council had no power at all under the Statute to frame such rules

21) I therefore hold that Paras (i) and (ii) of Chapter VII of the Mysore Bye-laws are ultra-vires, and they should be at once deleted

22) Thus, the anomaly is explained The view noted above that an appeal and also a Revision lies against the order in question was based on Rules in Paras (i) and (ii) of Chapter VII of the Mysore Bye-laws, but now as these Rules are ultra-vires, they are no longer good law and have to be wholly ignored.

23) Hence we have to see to the Act itself to decide if the order in question is appealable or not

No

(7

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

No right of appeal is given in the Act against the order in question, and the only section which gives the right of appeal is Section 249 of the Act, which is applicable to the orders of the President as Commissioner, and also to the orders of the Commissioner as such. Though the order in question is passed by the President under his Statutory powers vested in him under Section 24(1) of the Act, yet, as no right of appeal is given in the Act against this order, an appeal does not lie - nor does a Revision lie, for there is no such provision in the Act

24) This safeguard is placed in the Act against executive orders of both the Mysore President and the Commissioner in order to avoid dual control in executive functions - and it is for this reason that the Legislature has enacted Section 249 of the Act specifying therein only a few Sections of the Act in which the Legislature thought that an appeal was necessary. For example an appeal lies against an order of dismissal only passed under Clause (c) of Sub-section (1) of Section 248 and not as against an order of fine or suspension or of reduction in service passed either by the Mysore President or the Commissioner. This is because dismissal is a drastic punishment, and the Council was given the right to decide

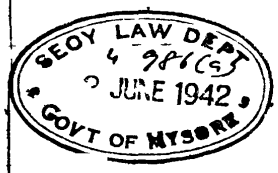
NOTL—Cont Sheet

File No of 194 | General and Revenue Secretariat

Serial No

decide if the dismissal was on just or flimsy grounds, and such interference is necessary, and so it was given to the Council under the Statute

25) Thus the order in question is neither appealable nor is subject to Revision



3
2/6/42

LAW SECRETARY)

26) I agree.

27) The order was not passed by the President in exercise of the powers vested in him by Section 24(2) of the Act i.e., the powers of a Municipal Commissioner but in exercise of his independent powers as the President conferred on him by Section 24(1)(d)

28) This distinction is important for in case of exercise of powers of a Municipal Commissioner vested by Section 24(2), an appeal lies only in cases expressly mentioned under Section 249 and the order in question (passed under rules framed under Section 51(1)(x)) not falling under that section, no appeal lies to the Council. ~~But~~ while in case of exercise of independent powers given by Section 24(1) to the resident as such, though no appeal is provided by the Act, an appeal and also a revision lie to the Council under Rules 1 and 2

Cpg

Serial No

framed under Section 49(b)(i) & (ii) (Chapter VII of the Mysore City Municipal Rules and Bye-laws)

29) But Section 49(b)(i) & (ii) quoted in the margin confer no right to the Council to frame any rules giving the right of appeal or revision to the Council against an order of the President Therefore the rules are ultra vires

(i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, the chief officer or the municipal commissioner and the delegation of any of its powers or duties to such persons,

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees, and absentee or other allowances of such officers and servants and the powers and duties delegated to them under section 38.

30) No appeal or revision can lie to the Council.

FOR THE MINISTER
L S G & P H
9-7-1942
350

Minister L S G

Ans 9-7-42

3

9/7/42

31) May be referred to the Advocate General for opinion

Ans. 13 7 42

16/7/42 Ans. 14/7/42

Ans 14-7-42

No. 52/42 LS

16-7-42

32) Reply forwarded to Advocate General for opinion & early return

A B Bowler
Asst Secy (Law)
14/7/42

NOTE Contn Sheet

S.55/L

File No of 194 | General and Revenue Secretariat

Serial No

33) Returned with compliments

34) The files connected with the City Municipalities Act of 1933 and of the sanction of the Government for Rules under Section 49 in Chapter 7 of the Rules and Bye-laws of the Mysore City Municipality may kindly be made available

SECY LAW DEPT 21 JULY 1942 GOVT OF MYSORE

Advocate General

H/20 7 42

35) In compliance with Govt's request -

36 Submitted for appd, the Legis section will be requested to send up the file relating to the City Metres Act 1933 referred to in para 34 supra

37) Yes

38) The file relating to the Municipalities Act and may be obtained from the Genl Records

39) Pl get it from the records.

Appeal against order forfeiting the
measuring 5685 grains in old Santhepet
Mysore.

General and Revenue Secretariat — File No — of 1941/42 — [App F III—2

Serial No	
(1)	Legis file 62-31(1-6) relating to the Passing of the Agriculturists Act 1933 to foot up.
(2)	The file relating to the Sanctioning of the rules framed under section 49(1)(b)(i)(ii) referred to by the Advocate General is not easily traceable. Send with a draft letter (wrapper)
	KHB 30/7 GS — 4 — Secy 31.7.42
	To the Addl. Secy. to Govt, Mysore
	Do No L 1408 — Dt 31-7-42 — Calls for some information
Inst ✓ GS 4/8	(3) Legis 62-31(1-6) & Ord 8-26(13,72 & 73) are foot up with reference to para 35 supra
	KHB 11/8 GS (4) Wrapper sent to the Advocate General with reference to para 34 supra
	Law Secy 11/8/42
	GS 11-8-42
G.O. No 150. Dt 11-8-42	
Fwd 149/42-43 Dt 11-8-42	(5) Forwarded officially with Compliments to the Advocate General at Mysore with reference to para 34 supra
	B. O
	for Secretary to Govt Law Dept. 11/8/42

SECY LAW DEPT 1637 11 AUG 1942 GOVT OF MYSORE

NOTE—Contn Sheet

WD 04155—G1 B—55 000—1-1941

12)

312/p 42

File No 5685/A of 194

General and Revenue Secretariat

Serial No

Returned with compliments

We I find that the opinion of the then Law Secretary (Mr H V Narayana Rao) on the identical point was accepted by the Ministers for Law and Local Self-Government, and approved by the Dewan (Vide Ml File No 111/41--Serials 41 and 42) It was conveyed to the President of the Mysore City Municipality also In these circumstances, it is a point for kind consideration of the Government whether I should record my opinion on the same point at this stage

Mohamed Ghouse Narayappa

Advocate-General

H/28 10 42

No Dis 22/42-43
dy 28 Oct 42
Wk 2 Bowls

J " 29/10
30/10/42

Ms KKS

SECY LAW DEPT 606 GOVT OF MYSORE

3) Submitted for orders.
WB 31/10
SS 31/10

Law Secy 48 for 31/10 WB

4) For kind perusal of the Advocate General's letter on the point under reference

Mcnsly L Sg 4/11/42

SO 8/11/42

WB 10-11-42

OFFICE OF THE DIRECTOR FOR L S G & P II Date 4-11-42 No 35-60

3173/42 (13)

Appeal against orders prohibiting the manufacture of grams in old Cauvery Belt of Mysore.

General and Revenue Secretariat

File No 5685/1 of 191 [App F III—2

Serial No	
	51 There is absolutely no difference between the findings of the Law Secretary dated 30/9/41 and that dated 9/7/42. We only thought that the Law Secretary has dealt with the matter in more detail than on the former occasion.
3772/42	52 The Rules in Paras (1) & (11) of the Nagpur Bye laws are alpha-verus, & have to be deleted as suggested above.
	(Law Secretary) 3 12/11/42
	53 My opinion on queries in paras 26 & 30 may be accepted. Chs 12-11-42
	Under R.S.G. 12-11-42
	Dewan 3 12/11/42
	54 Agd 16/11 16-11-42
	Chs 16-11-42
	Minister 55) 3 for CS 16/11/42 Agd 16/11

GOVT DEPT OFFICE OF MYSORE 5-07 12

OFFICE OF THE MINISTER FOR L S G & P H Date 12 11 42 No 3625

NOTE—Contn Sheet

WD 04165—GI B—55 000—23 10-41

(4)

3672/42
P 5685 of 41

12 MC File No 181 of 1941-42 General and Revenue Secretariat

Serial No

4(Fil 56 Submitted with a draft letter for appl
MC 20/11 57) for favour of kind advice
of the Govt regd putting as appropriate
towards meet the legal points raised in
the Case.

Asst Regr Law Secty MC) for 28/11/42

58) Put up a Govt as counsels
& submit 3
10/12/42

59) Kuml 10/12 The file is resubmitted with a typed draft embodying the Corrections
The typed Draft may be
to approved

Law Secretary) 3
10/12/42

GEOY LAW DEPT 7/12 10 GOVT OF MYSORE

Cir
10-12-42

61) The typed draft submitted
Approved may issue

Govt Secy Law MC) 3
11/12/42

62) Issue
for
11/12/42

TYPI SEC N 11 DEC 1942 GEN & PP SECTT

To the Govt, Dept one cl, Mysore
No L 5984 dt 14-12-42
Issues necessary orders in the matter

5685 g41 5 5802
2

(15)

Continuation Sheet ML File No / Current No 111 of 4/42 Page

From the Addl, Dir. Mil. Cl, Mysore
No M65 26 95/42 Dt 18-12-42
States that for the reasons stated in the letter the "Pathway" and to restore the status-quo" mentioned in the last para of this office letter Dt 14-12-42 may be deleted.
63) Submitted for orders
MKS
28/12

"S"

SEC 1945 SEPT CSIT 3-1 DRE

by Lawsey for 28/12/42

63- This may be done
MKS
30/12/42

66) Draft please
for 31/12/42

67) Submitted with a draft letter for approval.
MKS
31/12

B

Issue
for
31.12.42

Continuation Sheet. File No / Current No of Page

WD 1140—GPB—50 000—5-1]42

B S RAGHAVENDRA RAO
PRESIDENT

CITY MUNICIPAL COUNCIL
MYSORE

DC 501

14th Feb 1942

CONFIDENTIAL

My dear Mr Narayana Rao,

I have separately sent for orders of Government the resolution of the Municipal Council regarding a petition of appeal preferred by one Mr Tayoob Ahmed and others, dated 8th August 1941 on my order of issue of notification on 25th July 1941 under para (1) of the Bye-laws framed under Section 51(1(x) of the Mysore City Municipalities Act of 1933

The Council seem to be under the impression that in all cases where powers are not definitely delegated by the Act to the Commissioner and as in the Mysore City powers have been given by the Council to their President the Municipal Rules and Bye-laws must apply and except in those cases where powers are specially delegated to the Commissioner appeals must be held to lie against the orders of the President, i e they do not want to accept that they have no powers of appeal in all those cases where under the Act there would be no appeal if the orders had been passed by the Commissioner Their position appears to me untenable as the President in the Mysore City Municipality could not be placed in a worse position than the Commissioner in the matter of the Executive Powers vested in him

Early orders are solicited

Yours sincerely,

B S Raghavendra Rao

H V Narayana Rao, Esq , B A ,LL B ,
Secretary to Government, Law Department,
BANGALORE CITY

KSR

4791/L

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

No G T/1887
Encl No 3

Dated 14th February 1942

GEN & REV SECRET
18 FEB 1942
L.S.G BRANCH

From B S Raghavendra Rao, Esq , B A (Hons)
~~M.NAVANEETHAM NAIDU Esq B.A.B.L~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To
H V Narayana Rao, Esq , B A ,LL B ,
Secretary to Government, Law Department,
BANGALORE CITY

SECY LAW DEPT
13 FEB 1942
GOVT OF MYSORE

I have the honour to forward herewith a resolution passed by the Municipal Council in respect of the petition of appeal preferred by Mr Tayoob Ahmed and others I explained the whole position to the Council but they were not prepared to admit the view taken by the Government in their order No L 3707 dated 8th November 1941 and I have enclosed herein the reasons furnished by them

I request early orders of Government in the matter

I have the honour to be,
Sir,
Your most obedient servant,

B S Raghavendra Rao
14-2
PRESIDENT

KSR

MYSORE CITY MUNICIPALITY

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 31st January 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P Sitaramiah Esq B A B L *Vice President*
3 A Krishna Murty Esq
4 S Linganna Esq
5 U L Ramachandra Rao Esq
6 M K Linganna Esq B A LL B
7 M C Mallappa Esq
8 T Narasimha Iyengar Esq B A B L
9 A N Suryanarayana Rao Esq
10 Mrs B Kameswaramma B A
11 Agaram Rangiah Esq
12 B Narayanaswamy Esq B A B L
13 T Mariappa Esq B A LL B
14 M S Nanjappa Esq
15 G R Rangaswamiah Esq
16 E P Nanjappa Esq
17 Dr A J Ram L M & S
18 M R C Basappa Esq
19 T Venkataramamiah Esq
20 T S Alikhan Esq
21 Mahomed Khalilulla Esq M A LL B
22 S A Kareem Esq
23 F C Devaraja Urs Esq

ABSENT

24 Chowdiah Esq
25 C S Dixit Esq B A LL B
26 N Rajagopala Iyengar Esq B A B L
27 M V Venkataramiah Esq
28 G Janardan Naidu Esq
29 Patnam Sreenivasasetty Esq
30 Haji Mir Amiruddin Khuraishi Esq
31 B L Maridandiah Esq

XXX XXX XXX

Deferred subject No 194 Petition of appeal preferred by Mr Tajoob Ahmed, Merchant and Commission Agent, Mysore and others against the order of issue of notification on 25-7-41, under para (1) of the Bye-laws framed under Section 51(1)(r) of the Mysore City Municipalities Act of 1933

Moved by Mr T Mariappa

"This council is of opinion that they cannot agree to the view expressed in Law Secretary's letter No L 3707 dated 8th November 1941, that 'The rule requires therefore to be modified in the light of Section 249 of the City Municipalities Act of 193 , and even as it is, the rule has to be construed as allowing appeals against the orders of the President only in cases provided for under Section 249 of the Act' They defini-

P T O

definitely hold that for the reasons stated in the enclosed Section 249 of the Mysore City Municipalities Act does apply to the case in point and that an appeal shall lie to the Council from the orders of the Municipal President, as per Bye-laws in Chapter VII

Seconded by Mr P Sitaramiah

"CARRIED"

To Mr Mariappa's point that the petition may now be taken up as an appeal, in view of the resolution passed above, the President held that this will be treated as out of order

To Mr Mariappa's suggestion that the petition may be taken up as a revision petition, the President stated that this was also not possible

To Mr Mariappa's next suggestion that as the subject was already included in the agenda, and all questions on the agenda shall be decided by majority of votes, it was decided that this may be deferred

Sd B S Raghavendra Rao,

PRESIDENT

"COPY"

B Raghavendra Rao

PRESIDENT

KSR

MYSORE CITY MUNICIPALITY

NOTIFICATION.

In order to remove congestion of traffic and prevent danger, obstruction or inconvenience to the Public in the old Santhepet by heaping or measuring of grains in the streets or on the foot-paths, it is hereby ordered under para (1) of the Bye-laws framed under Section 51 (1) (X) of the Mysore City Municipality Act of 1933 that with effect from 10th August 1941 Bullock carts and Motor lorries laden with grain in bulk and not in bags shall be prohibited from using the Banumiah road (previously known as the Santhepet road) from the Dufferin Clock Tower square up to the junction of Banumiah road with Chamaraja road, between 5 a m and 9 p m every day

MYSORE
25th July 1941

B S RAGHAVENDRA RAO,
President

CROWN ELECTRIC PRESS MYSORE 7-'41

MYSORE CITY MUNICIPALITY

Note in connection with a petition of appeal vide, deferred subject No 194 on the agenda, preferred by Mr Tayoob Ahmed and others

The President raised a point that in view of the opinion in the letter from Government, no appeal lies to the Council for the reasons stated therein This Council does not agree with the opinion expressed in the said letter for the following reasons among others

1 Under rule 1, Chapter VII of the printed rules and Bye-laws of the Mysore City Municipal Council, an appeal lies to the Municipal Council from all orders of the President Rule 2 further states that the Council has got powers of revision sitting at a general meeting against any orders of the President, Vice-President or any other Committee Therefore when the subject is included in the agenda the Council could either treat it as an appeal or as a subject and revise the orders of the President

2 It is no doubt true that the President can under Section 24(2) of the Act exercise the powers of a Commissioner This does not suo-moto convert every order passed by the President to one passed by a Commissioner If the President exercises the powers of the Commissioner, he must state it so specifically It is only then that such orders will be ~~converted~~ treated as Commissioner's orders under Section 24(2)

3 It is made clear that only Section 247 applies to every such order and disobedience ~~of~~ such orders are punishable under Section 247 But in the Act Section 249 has not been stated to operate when the President exercises his power as Commissioner under Section 245 and passes orders In the absence of such ~~inclusion~~ application or specific mention in the Act, it cannot be stated that Section 249 is applicable to orders passed by

No
Lncl

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Date 20th March 1942

From

B S Raghavendra Rao, Esq , M A , (Hons)
~~Mr N V Narayana Iyengar, Esq , B A , LL B~~

PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE

To

H V Narayana Rao, Esq , B A , LL B
Secretary to the Government of Mysore,
Law Department,
Bangalore

Sir,

Re petition of appeal preferred by Mr Tayoob Ahamed and others against the orders prohibiting the measuring of grains in the old Santhepet, Mysore

---

In continuation of this office letter No G T 1887 dated 17th February 1942, regarding the above, I have the honour to state that the above deferred subject was taken up for discussion as a subject by the Municipal Council at their adjourned meeting held on 7th March 1942 I enclose herewith the Council Resolution No 194 stating that the order passed by the President be withdrawn which was carried when put to vote The detailed discussion on the subject will be sent to you separately

Early

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 7th March 1942, at 4 p m.

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 S Linganna Esq
3 U L Ramachandra Rao Esq
4 Chowdiah Esq
5 A Krishna Murty Esq
6 A N Suryanarayana Rao Esq
7 Agaram Rangiah Esq
8 B Narayanaswamy Esq B A B L
9 T Mariappa Esq B A LL B
10 M S Nanjappa Esq
11 G R Rangaswamiah Esq
12 L P Nanjappa Esq
13 G Janardan Naidu Esq
14 Patnam Sreenivasasetty Esq
15 T Venkataramaniah Esq
16 T S Alikhan Esq
17 B L Marıdandiah Esq
18 F C Devaraja Urs. Esq

ABSENT

19 P Sitaramiah Esq B A B L. *Vice Preside nt*
20 M K Linganna Esq B A LL.B
21 M C Mallappa Esq
22 *Vacant*
23 T Narasimha Iyengar Esq B A B L.
24 N Rajagopala Iyengar Esq B A B L.
25 Mrs B Kameswaramma B A
26 M V Venkataramiah Esq
27 Dr A J Ram L. M & S
28 M R. C Basappa Esq
29 Mahomed Khalilulla Esq M A LL B
30 Haji Mir Amiruddin Khuraichi, Esq
31 S A Kareem Esq

Deferred Subject No 194

Petition of appeal preferred by Mr Tayoob Ahmed, Merchant & Commission Agent, Mysore and others against the order of issue of Notification on 25-7-1941 under para (1) of the Bye-laws framed under Section 51 (1) (x) of the Mysore City Municipalities Act, 1933

Resolution -

Mr L P Nanjappa proposed the following resolution "Resolved that the Council requests the President to withdraw the order in question and restore the statusquo"

Seconded by Mr A Krishna Murthy

Mr Agaram Rangiah proposed the following amendment

"Resolved that the order passed by the President be withdrawn"

Seconded by Mr B Narayanaswamy

The resolution as amended was put to vote and was carried

Sd/- B S Raghavendra Rao.
President

"Extract"

President

NRS

Appendix F G—1]

SUBJECT

Section ml

File No

Serial No

Diary No of letter replied to

Do No L 1408

To

General and Revenue Secretariat

( )

the *19*

Dear Sir,

I am desired to

Date of issue 31 7 42

request you to ~~kindly~~ quote

Signed by G.V.R.Rao

~~obtain~~ the number and date

of the Govt order approving

of the rules framed by the

city mcl under sectio

49 (b) (i) & (ii) & the Chapter VII

of the Rules & Bye laws of the

Municipality referred to

List of enclosures

The information may

Copied by

kindly be furnished by return

of Post.

Examined by

Yours Sincerely

for

31-7-42

WD 086—GPB—40 000—30-7 40

To The Dpty Commr of Mysore.

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL, MYSORE.

No MS-26-95/42 Encl,

Dated 18th Decr 1942

From

B. S RAGHAVENDRA RAO Esq M A (Hons)
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE.

To

C NARAYANASWAMY NAIDU, ESQ , B A ,B L
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore

Sir,

Reference Prohibiting the keeping or measuring of grains in Old Santhepet

---

With reference to your letter No L 5984/M1 111-41-133, dated 14th December 1942, regarding the above, I have the honour to state as follows - The last sentence of the letter under advertance is as quoted below -

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 7th March 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 S Linganna Esq
3 U L Ramachandra Rao Esq
4 Chowdiah Esq
5 A Krishna Murty Esq
6 A N Suryanarayana Rao Esq
7 Agaram Rangiah Esq
8 B Narayanaswamy Esq B A B L
9 T Mariappa Esq B A LL B
10 M S Nanjappa Esq
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14 Patnam Sreenivasasetty Esq
15 T Venkataramaniah Esq
16 T S Alikhan Esq
17 B L Maridandiah Esq
18 F C Devaraja Urs Esq

ABSENT

19 P Sitaramiah Esq B A B L *Vice President*
20 M K Linganna Esq B A LL B
21 M C Mallappa Esq
22 *Vacant*
23 T Narasimha Iyengar Esq B A B L
24 N Rajagopala Iyengar Esq B A B L
25 Mrs B Kameswaramma B A
26 M V Venkataramiah Esq
27 Dr A J Ram L M & S
28 M R C Basappa Esq
29 Mahomed Khalilulla Esq M A LL B
30 Haji Mir Amiruddin Khuraichi, Esq
31 S A Kareem Esq

====

XX XX XX

Deferred subject No 194 -

Petition of appeal preferred by Mr Tayoob Ahmed, Merchant and Commission Agent, Mysore and others against the order of issue of Notification on 25-7-1941 under para (1) of the Bye-laws framed under Section 51(1) (x) of the Mysore City Municipalities Act, 1933

Resolution - Mr L P Nanjappa proposed the following resolution "Resolved that the Council requests the President to withdraw the order in question and restore the statusquo"
Seconded by Mr A Krishna Murthy
Mr Agaram Rangiah proposed the following amendment
"Resolved that the order passed by the President be withdrawn "

"Hence the Resolution passed by the Municipal Council to withdraw the said Order and to restore the status quo cannot be given effect to "

In this connection, kind reference is invited to Resolution

Copy Enclosed No 194 dated 7th March 1942 enclosed to this office letter No G T 2201 dated 22-3-1942 from which, it could be seen that the first resolution proposed as above was amended by Mr Agaram Rangiah and the amended resolution which was put to vote and carried, runs as follows -

"Resolved that the order passed by the President be Withdrawn "

In view of this resolution carried, the portion "and to restore the status quo" in this letter may kindly be got deleted

I have the honor to be,
Sir,
Your most obedient servant,

B Prakasam

SR 18-12

PRESIDENT

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 7th March 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 S Linganna Esq
3 U L Ramachandra Rao Esq
4 Chowdiah Esq
5 A Krishna Murty Esq
6 A N Suryanarayana Rao Esq
7 Agaram Rangiah Esq
8 B Narayanaswamy Esq B A B L
9 T Mariappa Esq B A LL B
10 M S Nanjappa Esq
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16 T S Alikhan Esq
17 B L Maridandiah Esq
18 F C Devaraja Urs Esq

ABSENT

19 P Sitaramiah Esq B A B L *Vice President*
20 M K Linganna Esq B A LL B
21 M C Mallappa Esq
22 *Vacant*
23 T Narasimha Iyengar Esq B A B L
24 N Rajagopala Iyengar Esq B A B L
25 Mrs B Kameswaramma B A
26 M V Venkataramiah Esq
27 Dr A J Ram L M & S
28 M R C Basappa Esq
29 Mahomed Khalilulla Esq M A LL B
30 Haji Mir Amiruddin Khuraichi, Esq
31 S A Kareem Esq

XX XX XX

Deferred subject No 194 -

Petition of appeal preferred by Mr Tayoob Ahmed, Merchant and Commission Agent, Mysore and others against the order of issue of Notification on 25-7-1941 under para (1) of the Bye-laws framed under Section 51(1) (x) of the Mysore City Municipalities Act, 1933

Resolution - Mr E P Nanjappa proposed the following resolution - "Resolved that the Council requests the President to withdraw the order in question and restore the statusquo"
Seconded by Mr A Krishna Murthy
Mr Agaram Rangiah proposed the following amendment
"Resolved that the order passed by the President be withdrawn "

BYE-LAWS FOR REGULATION OF UNWILDY TRAFFIC

Under Section 51-(1)(x)(ab)

1. The Municipal Commissioner may, after due notice, prohibit, from time to time, the use of any road, street, or lane within the Municipal Limits for ~~xxxxxx~~ vehicular traffic and any person infringing such prohibition shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs.50/- for the first and Rs.100/- for every subsequent offence.

2. Motor buses and lorries plying for hire within the Municipal limits, with the exception of Government, Municipal and Postal vehicles, are prohibited from using the roads to be specified from time to time.

3. Any person including the owner or driver of the bus or lorry committing a breach of the above bye-law shall, on conviction be punishable with a fine which may extend to Rs.50/-.

Persons or Companies using their own buses and lorries for private use will not be liable under this bye-law.

3. No cart, motor bus or lorry entering the Municipal Limits with passengers or laden with commodities of any description for sal or otherwise shall be allowed to stand so as to cause obstruction to general traffic in the crowded thorough fares and streets of the municipality beyond the time necessary or ordinarily required for unloading or otherwise, after which, the cart, motor bus or lorry must either proceed to their destination or to one of the public or private stands set apart for conveyances

The owners or other persons in charge of such cart, motor bus or lorry as shall be found standing in the public roads or thoroughfares contrary to this bye-law shall, on conviction, be liable to a fine not exceeding Rs.5/- for the first and Rs.10/- for every subsequent offence.

4. Carts loaded with fuel, cholam stalks or straw shall not be allowed to stop on the public roads or streets other than in places set apart by the municipality for the purpose.

Breach of this bye-law will render the cart driver liable, on conviction, to a fine not exceeding Rs.5/- for each offence.

5. All carts and conveyances shall be bound to keep to their left side of the road to enable carrigges to meet and pass on the right side.

Any person infringing this byelaw shall, on conviction, be liable to a fine which may extend to Rs.20/-

6. All vehicles of any description whatever shall have lighted lamps after sunset and before sunrise.

7. ~~All vehicles of~~ Whoever drives a vehicle of any description on any road within the municipal limits between lighting hours as per schedule, half an hour after sunset and half an hour before sunrise without having a lighted lantern affixed to each side of such vehicle, shall be liable on conviction to a fine not exceeding Rs.5/-, provided heavy goods carts proceeding at a walking pace may be provided with one lighted latern to be hung from ~~the~~ to the ~~the~~ the centre of the cart.

8. Whoever drives any goods cart drawn by bullocks within the municipal limits shall proceed at a walking pace and the bullocks shall be bridled with ropes of sufficient strength to admit of the driver having perfect control over them

Breach of this byelaw shall render the offender liable, on conviction, to a fine not exceeding Rs.5/-.

9. Whoever rides any bicycle, motor bicycle or motor car on the public road within the municipal limits without a bell or horn or without proper light between the hours specified in rule 7 shall be liable on conviction to a fine which may extend to Rs 20/-

For Secretary to Government,
Law Department.

Hon bl-

No 13707

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 8th November 1941

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department.

To

The President,
City Municipal Council,
M y s o r e

S i r,

With reference to your letter No.399 dated 29-10-1941 bringing to the notice of Government that an appeal has been filed to the Municipal Council against your orders prohibiting the -- measuring of grains in the Old Santhepet under Section 61 (1) (x) of the City Municipalities Act and the byelaws framed thereunder and requesting that the legal aspect of the case may be examined and the decision of Government thereon intimated etc, I am directed to state as follows

The Mysore City Municipal Council have framed rules and one of the rules framed under Section 49(b) of the Old Municipal Act of 1906 provides for an appeal to the Municipal Council from the orders or decisions passed by the President The question for consideration is whether an appeal would lie to the Municipal Council on all orders passed by the President This has to be decided by a reference to the Mysore City Municipalities Act of 1933 as it is that Act that is now in force The Mysore City Municipal Council has only a President and there is n ither a Chief Officer nor a Municipal Commissioner Section 24 (2) of the Act empowers the President to exercise all the powers, which a Municipal Commissioner in the Municipality has under chapters XIII and XIV thereof Section 249 lays down that no appeal shall lie to the Municipal Council in respect of any order passed or anything done by a Municipal Commissioner in the exercise of powers conferred

pon him by or under the provisi(he Act except in the case of an order passed or anyth, by him under any of the following provisions, namely -
(i) Sub-section (4) of Section 1(Sub-sections (1) and (2) of Section 109, (iii) Clause ub-section (6) of Section 115, (iv) sub-section (1) of Sec3, (v) ub-Section(1) of Section 120, (vi) sub-section(1) tion 124, (vii) ub-section (2) of Section 154, (viii) Sectio (ix) Section 181, (x) Section 182, (xi) clause (b) of tion(1) of Section 187, (xii) Section 192, (xiii) Clause sub-section (1) of Section 248 in respect of an order oissal.

It can be seen from this thascope of an appeal to the Municipal Council is very mucited and it is only in respect of the orders passed under t tions specifically mentioned therein that an appeal could l The aforesaid rule framed by the Mysore City Municipality i wide and general This rule seems to contemplate an appeinst every order passed by the President Such a rule cconstrued only in the light of and with reference to Sec249 of the Act Power to file an appeal is not a natural rout is one that ought to be provided for by the Legislature a tion 249 enumerates the cases in which an appeal would li the orders of the Municipal Commissioner (the President in case) to the Municipal Council It is an accepted princ that where there is a conflict between a rule and the Act, s the latter that has to prevail i e , so much of the rule s inconsistent with the Act will be considered <u>ultra vires</u>

The rule requires therefto be modified in the light of Section 249 of the City Municipies Act of 1933 Even as it is, the rule has to be construe allowing appeals against the orders of the President only ises provided for under S ction 249 of the Act

ave the honour to be,
S i r,
most obedi nt servant

KR/2 (Sd/-) Secretary to Government.

2006
2503

GOVERNMENT OF HIS HIGHNESS THIJA OF MYSORE

No L.5984 T.J Pol III-41-13 pl type only mic cfs and reverse ral and Revenue Secretariat, ngalore 14 December 1942

FROM

The Secretary to the Government of His he Maharaja of Mysore
Law Department

To

The President,
City Municipal Council,
Mysore

Sir,

With reference to the correspondence ending with your letter No [illegible], 2201, dated the 22nd May 1942, regarding the appeal preferred by Mr Tayoob Ahmed and others against the orders passed by you, prohibiting the keeping or storage of grains in the Old Santhepet, Mysore, I am directed to state that though the order in question was passed by the President the statutory powers vested in him under Section 24(1) of [illegible] yet no appeal or revision lies against the said order, such right of appeal or revision is provided for in the Act In this connection, I am to draw your attention to the fact that rules framed under Section 49(b)(i) and (ii) of the ~~City Municipalities~~ Act, ~~1933~~, which are found in Chapters VII of the Mysore Municipal Rules and bye-laws ~~in respect~~ relating to the question of appeals and revision and on which the Council ~~rely~~ rely, are ultra vires, inasmuch as there is no provision in the ~~Municipal~~ Act which confers powers on Municipal Council to frame such rules These rules will, therefore have to be deleted.

Hence, the resolution passed the Municipal Council to withdraw the said order and to restore status quo cannot be given effect to

I have the horor to be,
Sir,
Your most obedient servant,

Secretary to Government,
Law Department

SR/5

5 Copies

To

The President Municipal Council,
Mysore

Sir,

With reference correspondence ending with your letter 2201, dated the 22nd March 1942, regarding the appeal preferred by Mr Tayoob Ahmed and others the orders passed by you, prohibiting the kir measuring of grains in the Old Santhepet, My. am directed to state that though the order dated was passed by the President under the st powers vested in him under Section 24(1) of , yet no appeal or revision lies against the der as no such right of appeal or revision is prefor in the Act In this connection, I am directed draw your attention to the fact that the Rules made under Sec 49 (b) (i) and (ii) of the City Municipal Act, 1933 which are found in Chapter VII of the Mysore Municipality Rules and bye-laws in respect to the con of appeals and revision and on which the county, are ~~wholly~~ ultra vires inasmuch as there provision in the Municipal Act which confers on the Municipal Council to frame such rules these rules will, therefore, have to be deleted

Hence, the resolution passed by the Municipal Council to withdraw said order and to restore the status quo ~~is w irregular~~ and cannot be given effect to

I have etc ,

Secy to Govt
Law Deptt.

khhc

▲F G—1]

UBJECT

Section ml

File No 111-47

Serial No

No 5499

To Sdt, Cof ml cl, Mysore,

Sir,

With reference to your letter No 26-95/42 dt 18 12 42, I am directed to state that the ~~f~~ and to restore the status quo" mentioned in the second para of this of letter No L 5984/ml 111-41-133 dt 12-42 conveying the issuing orders on appeal ~~filed~~ by Messrs Tayoob Ahmed & others against the orders passed by ~~the~~ Govt prohibiting the keep or measuring of grains

Diary No of letter replied to

General and Revenue Secretariat

( )

the 194

Date of issue 2/1/43

Signed by Mr E R R

"S"

List of enclosures

Codied by

Examined by

WD 4161—GPB—60 000 10 41

in the old Santhapathor
may be deleted